REMARKS/ARGUMENTS

This Amendment is filed in response to the Final Office Action dated December 24, 2008, and the Advisory Action dated March 23, 2009. In both the Final Office Action and the Advisory Action: (1) Claims 33-35, 46-49, and 54-56 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent 7,035,856 to Morimoto ("*Morimoto*") in view of U.S. Patent Publication No. 2004/0093312 to Cordery, et al. ("*Cordery*"); (2) Claims 36-43, 52-53, and 57-60 are rejected under 35 U.S.C. § 103(a) as being unpatentable over *Morimoto* in view *Cordery*, and further in view of U.S. Patent 5,774,885 to Delfer, III ("*Delfer*"); and (5) Claims 44 and 45 are rejected under 35 U.S.C. § 103(a) as being unpatentable over *Morimoto* in view of *Cordery*, and *Delfer*, and in further view of U.S. Patent Publication No. 2002/0077847 to Thiel ("*Thiel*") and U.S. Patent Publication No. 2002/0032643 to Himmelstein ("*Himmelstein*"). For the Examiner's reference, Claims 1-32 and 61-71 were previously withdrawn; Claims 46, 48-54, and 59 are currently amended; Claims 47 and 55-58 are cancelled; and Claims 33-46, 48-54, and 59-60 remain currently pending in the application for further consideration.

Claim Rejections under 35 U.S.C. § 103(a)

In the Office Action, Claims 33-60 are rejected under 35 U.S.C. § 103(a) as being unpatentable over various combinations of *Morimoto*, *Cordery*, *Delfer*, *Thiel*, and *Himmelstein*. (Office Action, pages 4, 9, and 14). For at least the following reasons, Applicant respectfully requests that the rejections of Claims 33-60 under 35 U.S.C. § 103(a) be withdrawn.

Rejection of Independent Claim 33

Applicant respectfully asserts that the Examiner appears to have cited two separate elements in *Morimoto* as disclosing the initial carrier computer system. The two separate elements include: (1) memory devices 50A-N and (2) a central server 90. For *"a subsequent carrier computer system connected in communication with the initial carrier computer system and a subsequent one of the carrier physical delivery systems,"* the Examiner cites column 8 lines 35-40 which appear to discuss the shipping company computer system configured to interface with memory devices 50A-N. The Examiner appears to suggest that the initial carrier

computer system is memory device 50A-N. However, for "*an initial carrier computer system connected in electronic communication with the carrier physical delivery system on an initial one of the carriers and the shipper computer system*," the Examiner cites column 9 lines 1-9, which the Applicant believes in this citation, the Examiner suggests that the central server 90 is the initial carrier system. Therefore, the Examiner appears to assert the memory devices 50A-N and central server 90 are both the initial carrier computer system and the Examiner has not made any attempt support the contrary. Thus for reference (1), the computer configured to interface with memory devices 50A-N to anticipate Claim 33, reference (1) must also be, "*in communication with the initial carrier computer system and a subsequent one of the carrier physical delivery systems*," which the system appears not to be. Applicant reminds the Examiner that he must be consistent throughout his rejections. If the Examiner considers the memory devices 50A-N as the initial carrier computer system, the memory devices must perform all of the respective tasks of the initial carrier computer system listed in Claim 33, which they do not. The memory devices 50A-N and the central server 90 are not the same element and it is improper for the Examiner to use separate elements of *Morimoto* as disclosing a single element (the initial carrier computer system) in the present application. In support that memory devices 50A-N and the central server 90 are not the same, Applicant refers the Examiner to column 11, lines 55-58 of *Morimoto*., which states, "*if there is a more efficient routing available, server 90 may be configured to convey this information to the shipping company in Dallas, which may then update the routing information in the memory device 50A affixed to the shipping container*," which makes clear that the central server 90 and the memory devices 50A-N are not the same element nor in direct communication. For future rejections, Applicant will assume that the Examiner suggests that the central server 90 correlates to the initial carrier computer system in the application.

Applicant asserts that *Morimoto* does not teach or suggest, *"(a) subsequent carrier computer system: configured to obtain the package information data, including the consignee address, and the intermediate location* ***from the initial carrier computer system***." (Emphasis Added). The Examiner asserts the subsequent carrier computer system configured to obtain package information data and the intermediate location from the initial carrier computer system

is taught by *Morimoto*, however Applicant respectfully disagrees. *Morimoto* discloses a data file stored in memory device 50A and the data file includes the recipient's street address 68. As previously discussed the memory device 50A cannot be the central server 90 or the initial carrier computer system, as the Examiner has previously cited the initial carrier computer system correlates to the central server 90 earlier in his rejections. FIG. 1A illustrates memory devices 50A-N are attached to containers 40A-N and FIG. 2 shows the central server 90, both figures clearly show that these elements are distinctly different and are not connected. Also, *Morimoto* describes the memory devices in column 5 lines 19-40 which suggests the memory devices are configured to store information. *Morimoto* does not appear to disclose the memory devices having the capability of processing data and/or having the capabilities of the initial carrier computer system.

The Examiner further asserts that *Morimoto* teaches, "*(a) subsequent carrier computer system ... configured to receive instructions from the initial carrier computer system to receive the package at the intermediate location and complete delivery to the consignee address,*" however, the Applicant respectfully disagrees. For *Morimoto* to anticipate these limitations of Claim 33 the subsequent carrier computer system must be configured to **receive** instructions from the central server 90, however the Examiner has not cited to this. The Examiner has cited to the subsequent carrier computer system as obtaining instructions from the **memory devices**, which is not the initial carrier computer system as previously discussed. (Emphasis Added). Furthermore, the Examiner has not clearly supported that the memory devices are the initial carrier computer system; which he asserts is the central server 90 which is an entirely different element and thus the assertion is improper.

Applicant respectfully submits that *Morimoto* does not appear to teach or suggest, "*(a) subsequent carrier computer system ... configured to send the package information data, including the consignee address, and the intermediate location to the subsequent carrier physical delivery system and instructing the subsequent carrier delivery system to obtain the package at the intermediate location and complete delivery of the package to the consignee address*," as described in Claim 33. Examiner cites column 11, lines 21-29 and 55-63 as disclosing the above, however, *Morimoto* only appears to disclose a shipping company that

enters a unique identifier that identifies goods to be shipped and a database outputs a data file as shown in FIG 4. Also, information such as intermediate destination and final destination are conveyed to the central server which updates the database accordingly. In order for *Morimoto* to anticipate the above elements, *Morimoto* must disclose a subsequent carrier computer system configured to send package information data and the intermediate location to **the subsequent carrier physical delivery system** and not the central server as *Morimoto* appears to disclose. The central server 90 is not a physical delivery system, but merely a server and as the Examiner previously suggested the central server correlates to the initial carrier computer system in the present application. Therefore since the central server 90 is not a physical delivery system and is allegedly the initial carrier computer system, *Morimoto* does not teach or suggest each and every element in Claim 33.

Applicant respectfully asserts that *Morimoto* fails teach or suggest, "*said initial carrier computer system: configured to* ***obtain package information data from the shipper computer system****, said package information data including a consignee address*." (Emphasis Added). For this element of Claim 33, the Examiner cites, "*information about the package to be shipped is transmitted to central server 90 (Step 104). This information may include the origination and destination of the package*." However in the Examiner's citation of *Morimoto*, information is transmitted to the central server but the location of where the information comes from is not clear, however, the information transferred does not appear to be from the "shipper computer system" as required by Claim 33.

In determining the differences between the prior art and the claims, "the question under 35 U.S.C. 103 is **not whether the differences themselves would have been obvious**, but **whether the claimed invention as a whole would have been obvious**." MPEP §2141.02, "Basic Considerations Which Apply to Obviousness Rejections," *citing Stratoflex, Inc. v. Aeroquip Corp.*, 713 F.2d 1530, 218 USPQ 871 (Fed. Cir. 1983); *Schenk v. Nortron Corp.*, 713 F.2d 782, 218 USPQ 698 (Fed. Cir. 1983). (Emphasis added). Also, "[t]he requirement "at the time the invention was made" is to avoid **impermissible hindsight**." MPEP §2141.01(III).

In this regard, when *Morimoto* is considered **as a whole**, **does not teach or suggest** a subsequent carrier computer system configured to: (1) obtain the package information data from

the initial carrier computer system, (2) receive instructions from the initial carrier computer system to receive the package at the intermediate location and complete delivery to the consignee address; and (3) to send the package information data, including the consignee address, and the intermediate location to the subsequent carrier physical delivery system and instructing the subsequent carrier delivery system to obtain the package at the intermediate location. In particular, Applicant believes *Morimoto* **teaches away** from such system. Specifically, *Morimoto* appears to employ a central server 90 that is connected directly or indirectly to each regional shipping company computer, illustrated in FIG. 2. Applicant notes that each regional shipping company has its own computer system and the central server is separate and only connected to each shipping company's computer over a network. In column 9, lines 5-6 of *Morimoto*, states, "*network 92 is used* ***to couple the processing apparatuses to a central server 90***." The processing apparatus described above refers to the processing apparatuses associated with each regional shipping company. **The central server 90 appears to not be a carrier computer system** but merely communicates to the carrier computer systems. Therefore, the central server cannot be the initial carrier computer system, as described in Claim 33. Furthermore, the central server appears to be configured to perform various tasks which include determining the availability, shipping times, prices of the regional hubs and executing an optimization program for routing packages. (Col. 9, lines 1-30). *Morimoto* does not appear to teach the previous tasks are preformed by any other computer system including the carrier computer systems. The central server also appears to be the central unit which **relays routing information to the carrier computer systems and not a carrier computer system itself.** The central server appears to determine routing of the packages and send information to carriers, therefore Morimoto teaches away from a separate subsequent carrier computer system as claimed in Claim 33, which is configured to obtain the package information data from the initial carrier computer system (not a central server); and also send package information data to a subsequent carrier physical delivery system.

For at least the reasons discussed above, Applicant respectfully submits that independent Claim 33 is patentable over *Morimoto* in view of *Cordery*. Applicant, therefore, respectfully requests that the rejection of independent Claim 33 be withdrawn.

Rejection of Dependent Claims 34 and 35

Claims 34 and 35 depend, respectively, from independent Claim 33 and include all of the recitations of their base claims and any intervening claims plus their additional recitations that further distinguish the art applied in the rejection. For example, in addition to the recitations of Claim 33, dependent Claim 34 further recites, *"(an) initial carrier computer system is configured to communicate with a scanning device of the initial carrier physical delivery system to receive tracking data indicating detection of the initial carrier tracking number at the intermediate location by the scanning device,"* which is further not taught or suggested by *Morimoto* or *Cordery*, whether considered alone or in combined. In order for *Morimoto* to anticipate this limitation, the central server 90 must be configured to communicate with a scanning device of the initial carrier physical delivery system, which is not disclosed. *Morimoto* appears to teach a shipping company having a hand-held tracking device configured to update the information in the memory device. *Morimoto* does not appear to mention at anytime the central server communicating with the tracking device. Furthermore, *Morimoto* does not suggest that the hand-held tracking device has the ability to scan as required in Claim 34. Accordingly, Applicant respectfully submits for the above reason that the Examiner's rejection of Claim 34 as obvious in light of *Morimoto* in view of *Cordery* is improper.

Thus, for at least the reasons set forth above with respect to independent Claims 33, it is respectfully submitted that dependent Claims 34 and 35 are further patentable over *Morimoto* in view of *Cordery* as such dependent claims now depend from allowable base claims.

Rejection of Independent Claim 46

Applicant asserts that *Morimoto* does not teach or suggest each and every limitation of independent Claim 46. In particular, Claim 46 has been amended to recite, *"(a) subsequent carrier computer system ... configured to receive instructions from the initial carrier computer system to receive the package at the intermediate location and complete delivery to the consignee address,"* which Applicant asserts is not taught by *Morimoto*. For *Morimoto* to anticipate this element of Claim 46 the subsequent carrier computer system must be configured

to receive instructions from the central server 90, however the Examiner has not cited to this. The Examiner as cited in rejection of Claim 33 to the subsequent carrier computer system as obtaining instructions from the memory devices rather than the central server 90. The Examiner has not made an attempt to support that the memory devices are the initial carrier computer system, he uses the central server 90 which is an entirely different element which is improper.

Applicant respectfully submits that *Morimoto* does not appear to teach or suggest, *"(a)* ***subsequent carrier computer system … configured to send the package information data****, including the consignee address, and the intermediate location* ***to the subsequent carrier physical delivery system and instructing the subsequent carrier delivery system to obtain the package at the intermediate location*** *and complete delivery of the package to the consignee address*," as described in Claim 46. (Emphasis Added). *Morimoto* only appears to disclose a shipping company that enters a unique identifier that identifies goods to be shipped and a database outputs a data file. Also, information such as intermediate destination and final destination are conveyed to the central server which updates the database accordingly. Applicant respectfully submits that *Morimoto* does not teach or suggest the above elements. In order for *Morimoto* to anticipate the above the claim, *Morimoto* must disclose a subsequent carrier computer system configured to send package information data and the intermediate location to **the subsequent carrier physical deliver system** and not the central server as *Morimoto* appears to disclose. The central server 90 is not a physical delivery system, but merely a server and as the Examiner previously suggested the central server correlates to the initial carrier computer system in the present application. Therefore, since the central server 90 is not a physical delivery system and is allegedly the initial carrier computer system, then the *Morimoto* reference does not teach or suggest each and every element in Claim 46.

For at least the reasons discussed above, Applicant respectfully submits that independent Claim 46 is patentable over *Morimoto* in view of *Cordery*. Applicant, therefore, respectfully requests that the rejection of independent Claim 46 be withdrawn.

Rejection of Dependent Claims 47, 48 and 49

On Pages 7-8, Items 13-15 of the Office Action, the Examiner has rejected dependent Claims 47, 48 and 49 under 35 U.S.C. § 103(a) as being unpatentable over *Morimoto* in view of *Cordery*. In response to the rejections, Claim 47 has been cancelled and Claims 48 and 49 have been amended. Dependent Claims 48 and 49 depend from independent Claim 46 and therefore include all the limitations of the independent claim plus additional limitations that further define the invention over the prior art. For example, in addition to the recitations of Claim 46, dependent Claim 49 further recites, "***subsequent carrier computer system is*** *further adapted for notifying the subsequent carrier tracking system of detection of the initial carrier tracking number at the intermediate location,*" which is further not taught or suggested by *Morimoto* or *Cordery*, whether considered alone or in combination. (Emphasis Added) Accordingly, Applicant respectfully submits that dependent Claims 48 and 49 are patentable over *Morimoto* in view of *Cordery* as such dependent claims depend from allowable base Claim 46.

Rejection of Independent Claim 54

Applicant respectfully asserts that *Morimoto* in view of *Cordery* and *Delfer* does not teach or suggest each and every limitation of independent Claim 54. In particular, Claim 54 has been amended to recite, "*an eighth executable code portion for obtaining a subsequent carrier tracking number as part of the package information data and obtaining tracking data indicating detection of the subsequent carrier tracking number at the consignee address using a scanning device of a subsequent carrier physical delivery system*," which is not taught by either *Morimoto* or *Cordery*. *Morimoto* appears to discuss **a unique identification number** which can be usable by two different companies; however, the tracking number is just one number which is usable by both companies. *Morimoto* does not appear to teach that there is a different subsequent carrier tracking number. Page 15 of the application states, "*[i]t should be noted that in the illustrated embodiment of the label* ***25*** ***the first and second carrier tracking numbers*** *are included on the label which allows* ***the two numbers*** *to be associated with each other in a database in at least the first carrier computer system* ***22***." This clearly states that the first and second carrier tracking numbers are not the same; therefore, *Morimoto* does not teach the above limitation of Claim 54.

For at least the reasons discussed above, Applicant respectfully submits that independent Claim 54 is patentable over *Morimoto* in view of *Cordery* and *Delfer*. Applicant, therefore, respectfully requests that the rejection of independent Claim 54 be withdrawn.

Rejection of Dependent Claims 36-43, 50-53, and 57-60

On Pages 9-14, Items 19-35 of the Office Action, the Examiner has rejected dependent Claims 36-43, 50-53, and 57-60 under 35 U.S.C. § 103(a) as being unpatentable over *Morimoto* in view of *Cordery,* and further in view of U.S. Patent 5,774,885 to Delfer ("*Delfer*"). In response to Examiner's rejections Applicant has cancelled Claims 57 and 58, and amended Claims 50-53 and 59. Therefore, dependent Claims 36-43, 50-53, and 59-60 depend from independent Claims 33, 46, and 54, respectively, and therefore include all the limitations of these independent claims plus additional limitations that further define the invention over the prior art. Accordingly, Applicant respectfully submits that dependent Claims 36-43, 50-53, and 59-60 are patentable over *Morimoto* in view of *Cordery* and *Delfer* as such dependent claims depend from allowable base Claims 33, 46, and 54.

Rejection of Dependent Claims 44 and 45

The Examiner admits that for Claim 44, the combination of *Morimoto* in view of *Cordery* and *Delfer* do not explicitly teach, "*initial carrier computer system is configured to: control receipt of funds from the shipper computer system for payment of the invoice; debit an amount of the funds for shipment services provided by the initial carrier.*" The Examiner asserts that the above claim limitations are taught by *Thiel*. As teaching the above limitations, the Examiner cites paragraph 0058 which discloses, "*[t]he intermediary's data processor can be configured for accessing a shipper account for reducing the shipper account by a billed amount.*" However, Applicant respectfully submits that the intermediary's data processor is not a carrier computer system. Paragraph [0056] of *Thiel* discloses, "***the intermediary's data processor is configured for relaying the shipping order to the carrier's data processor*** *of the selected carrier.*" *(Emphasis* added). As stated in *Thiel*, the intermediary relays the shipping order to the carrier processor, therefore the intermediary cannot be the initial carrier computer system nor does it teach the above claim limitation. Furthermore, the intermediary as described in the abstract,

relays the shipping order to the selected carrier and is not a carrier, much less an "initial carrier" as described in Claim 44. Furthermore, Figure 1 reiterates that the intermediary is clearly distinct from the carriers. Therefore, *Thiel* only describes an intermediary which is different from an initial carrier and also the initial carrier computer system.

The Examiner rejects Claim 45 as being obvious over *Morimoto* in view of *Cordery*, *Delfer*, *Thiel*, and *Himmelstein*. The Examiner further asserts that *Thiel* teaches, "*the subsequent carrier computer system is electronically connected to the account and is configured to withdraw funds from the account for shipping services by the subsequent carrier,*" however, the Applicant respectfully disagrees. Thiel appears to teach that the intermediary can deduct billed amounts from the shipper's accounts. Applicant points out that it appears that the Examiner has not remained consistent in his rejections. For Claim 44, the Examiner suggests that the intermediary is the initial carrier computer system and for Claim 45 he suggests that the intermediary is the subsequent carrier computer system. Not remaining consistent in rejecting each element is improper, as previously discussed. Furthermore, the intermediary of *Thiel* is not apart of a carrier system at all and therefore cannot be a subsequent carrier computer system. This is supported in FIG. 1 which clearly illustrates the intermediary as separate from the carriers. Also paragraph [0075] of *Thiel* discusses the responsibility of the intermediary. In *Thiel*, the intermediary appears to operate a processor in the form of a data center. The data center is in communication with respective shippers' data processors via a data network as well as respective carriers' data processors. The intermediary appears to act as an intermediate processor between the shipper and the carrier, thus is not the initial carrier or a subsequent carrier computer system.

On Pages 14-15, Items 36-38 of the Office Action, the Examiner has rejected dependent Claims 44 and 45 under 35 U.S.C. § 103(a) as being unpatentable over *Morimoto* in view of *Cordery* and *Delfer* in further view of U.S. Published Patent Application 2002/0077847 to Thiel ("*Thiel*") and U.S. Published Patent Application 2002/0032643 to Himmelstein ("*Himmelstein*"). It is respectfully submitted that the Examiner has engaged in piecemeal examination in which the Examiner has attempted to dissect Claims 44 and 45 rather than to consider them "as a whole" as required under 35 U.S.C. 103(a). The rejection was thus improper for this reason. *See Diamond v. Diehr*, 450 U.S. 175, 176 (1981) (noting that claims must be considered as a whole, it being

inappropriate to dissect the claims into old and new elements and then to ignore the presence of the old elements in the analysis); *Princeton Biochemicals, Inc., Beckman Coulter, Inc.*, 411 F.3d 1332, 1337 (Fed. Cir. 2005) (holding that section 103 specifically requires consideration of the claimed invention as a whole; without this important requirement, an obviousness assessment might successfully break an invention into its component parts and then find a prior art reference corresponding to each component); *Ex Parte Takeshi Yamamori*, 2002 WL 230623, 2 (Bd.Pat.App. & Interf.) (noting that the examiner cannot dissect the claim limitations; rather, they must be considered as a whole). Applicant asserts when the citations are correctly viewed as **a whole, teach away** from each other and the claimed invention. (Emphasis Added). Applicant previously discussed that *Morimoto* teaches away from the claimed invention, however, *Thiel* also does the same. *Thiel* appears to teach a separate computer system, which is not a carrier computer system that accesses the shipper's account to debit the amount of funds for the services provided. Using a separate intermediate computer system teaches away from using the initial carrier computer system as claimed.

The Examiner has attempted to dissect Claim 44 and 45 by extracting each limitation from the context claimed. Each separate element of the claim is rejected by a different reference. The Examiner has combined a shipping system (*Morimoto*), a postage metering system (*Cordery*), and a billing system (*Delfer*) with a system for communication shipping orders (*Thiel*) and a bartering system (*Himmelstein*). The Examiner combined the references based on the alleged knowledge of one of ordinary skill in the art; however the Examiner must present a convincing line of reasoning as to why the artisan would have found the claimed invention to have been obvious in light of the teachings of the references. (MPEP 706.02(j); *Ex parte Clapp*, 227 USPQ 972, 973 (Bd. Pat. App. & Inter. 1985). Applicant respectfully asserts that the Examiner does not present a convincing line of reasoning for combining the references. The Examiner gives no convincing reason as to why one skilled in the art would combine the five different systems of the alleged prior art (i.e., the bartering system, the shipping system, the postage metering system, and the billing system). Instead, the Examiner makes a cursory conclusion that "[i]t would have been prima facie obvious to one having ordinary skill in the art at the time of invention to incorporate the above teachings of Himmelstein [and Thiel] because

this as well is merely a combination of old elements that would produce only predictable results and could be implemented through routine engineering." However, the Examiner does not present a convincing line of reasoning as to why, for example, it would have been obvious to one of ordinary skill in the art to combine the multiple systems and why the result would have been predictable. It appears that the Examiner has improperly rejected the claims as allegedly a combination of old elements. See MPEP 2173.05(j) ("With the passage of the 1952 Patent Act, the courts and the Board have taken the view that a rejection based on the principle of old combination is NO LONGER VALID")(emphasis in original). Furthermore the Examiner does not provide any documentary evidence to support his conclusions for instance that the result would have been predictable and could have been implemented through routine engineering. *See* MPEP 2144.03.

Furthermore, there is no suggestion or teaching in *Cordery* or *Himmelstein*, or in the prior art in general, that would have led a person of ordinary skill in the art to combine them as done in the Office action, nor would there have been any reasonable expectation of success in making the combination. *Cordery* teaches postage meters that evidence postage payment on mail items. However, *Himmelstein* teaches a bartering system which barters different categories of items in a virtual setting. Applicant asserts there is no motivation to combine nor would the combination produce predictable results combining the bartering system of *Himmelstein* with the closed loop postage metering system of *Cordery*. Other than through Applicant's disclosure, there is simply no teaching or suggestion in the prior art that would have led such person to combine, modify or add the teachings of a shipping system (*Morimoto*), a postage metering system (*Cordery*), and a billing system (*Delfer*) with a system for communication shipping orders (*Thiel*) and a bartering system (*Himmelstein*). **Applicant respectfully asserts that the Examiner has engaged in hindsight reasoning by using the Applicant's disclosure as a roadmap for piecing together the citations, as prohibited by *In re Fine.*** (Emphasis Added)

Furthermore, Applicant submits that the references combined are nonanalogous art. While Patent Office classification of references and the cross-references in the official search notes of the class definitions are some evidence of "nonanalogy" or "analogy" respectively, the court has found "**the similarities and differences in structure and function of the inventions**

to carry far greater weight." *In re Ellis*, 476 F.2d 1370, 1372, 177 USPQ 526, 527 (CCPA 1973). There are clear differences in the combined patents. As previously discussed, *Cordery* teaches postage meters that evidence postage payment on mail items, while *Himmelstein* teaches a bartering system which barters different categories of items in a virtual setting. There are very little if any similarities between the two citations. This also holds true for *Delfer, Himmelstein,* and *Morimoto* which each disclose a billing system, a bartering system, and a shipping system respectively. Applicant respectfully submits that the functions of *Delfer, Himmelstein,* and *Morimoto* are not similar to each other.

Accordingly, Applicant respectfully submits for the above reasons that the Examiner's rejection of Claims 44 and 45 as obvious in light of *Morimoto* in view of *Delfer* in further view of *Thiel* and *Himmelstein* is improper. Thus, Applicant respectfully requests the Examiner to withdraw the current rejection of dependent Claims 44 and 45.

CONCLUSION

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required thereof (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

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